

Appln No. 10/608,422
Desai et al.
Office Action dated January 25, 2006

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated January 25, 2006. This amendment is intended to be fully responsive thereto.

Claim Rejections 35 USC § 103

1-3

The Examiner has rejected claims 1-30 under 35 USC 103 (a) as obvious over Fang et al. (6,793,012). This rejection is not valid as the subject matter which would otherwise be prior art to the claimed invention, and the claimed invention were commonly owned or obligated to be owned at the time the claimed invention was made (see MPEP 706.02 (1)(2)).

Fang was assigned to Valeo Thermique Moteur, and that assignment was recorded on April 28, 2004, Real Frame 015274/0398. The present invention is assigned to Valeo, Inc. At the time of the claimed invention, both Valeo Thermique Moteur and Valeo, Inc. were commonly held by Valeo SA, and in reality, the assets of both Valeo Thermique Moteur and Valeo, Inc., including the present invention, were commonly owned and/or obligated to be owned, at the time the claimed invention was made.

Therefore, at the time the invention was made, the invention claimed and the invention disclosed in the present patent application were owned or obligated to be owned by the same entity, and not, therefore, subject for rejection for unobviousness under 35 USC 103.

4-5

The Examiner has also rejected claims 1-30 of the present invention under the judicially created doctrine of obviousness-type double patenting. Applicants provide, attached to this response, a terminal disclaimer to overcome such rejection.

6.

The Examiner has also rejected claims 1-30 over claims 1-51 of commonly assigned 6,793,012. Applicants have asserted the fact that common ownership existed at the time of the present invention, and, therefore, overcomes the rejection.

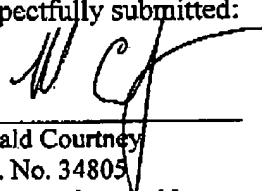
Applicants therefore assert that claims 1-30, in their current form, are patentable, and allowance of these claims is respectfully requested.

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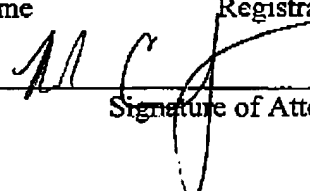
Summary

Based on the foregoing, it is respectfully submitted that claims 1-30, in their current forms, define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. A terminal disclaimer for the present claims has also been submitted. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution, please be invited to contact the undersigned at the number listed below.

Respectfully submitted:


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I hereby certify that this correspondence is being transmitted by
facsimile to the Commissioner for Patents,
Alexandria VA, 22313-1450 on April 24, 2006

R. Courtney 34805
Attorney name Registration N.


Signature of Attorney